

FY 2011 PERFORMANCE PLAN District of Columbia Sentencing and Criminal Code Revision Commission

MISSION

The mission of the District of Columbia Sentencing Commission is to implement, monitor, and support the District's voluntary sentencing guidelines, to promote fair and consistent sentencing policies, to increase public understanding of sentencing policies and practices, and to evaluate the effectiveness of the guidelines system in order to recommend changes based on actual sentencing and corrections practice and research.

SUMMARY OF SERVICES

The commission advises the District of Columbia on policy matters related to criminal law, sentencing and corrections policy. The Sentencing and Criminal Code Revision Commission Amendment Act of 2007 established a permanent voluntary felony sentencing guidelines and requires the Commission to monitor and make adjustments as needed to promote sentencing policies that limit unwarranted disparity while allowing adequate judicial discretion and proportionality. The sentencing guidelines provide recommended sentences that enhance fairness so that offenders, victims, the community, and all parties will understand the sentence, and sentences will be both more predictable and consistent. The commission provides analysis of sentencing trends and guideline compliance to the public and its representatives to assist in identifying sentencing patterns for felony convictions. In addition, the Advisory Commission on Sentencing Amendment Act of 2006 requires the Commission to conduct a multi-year study of the DC Criminal Code reform, including analysis of current criminal statutes and developing recommendations for the reorganization and reformulation of the District's Criminal Code.

AGENCY WORKLOAD MEASURES

Measure	FY2008 Actual	FY2009 Actual	FY2010 YTD	
# of Felony Sentences Issued by District Judges ¹	3,504	3,410	Not Available	
# of CSOSA Criminal History Forms Processed	3,170	2,688	Not Available	

OBJECTIVE 1: Promulgate the accurate, timely, and effective use of the sentencing guidelines in every felony case.

INITIATIVE 1.1: Revise and Restructure the Commission's Website.

This initiative focuses on restructuring the current website to provide historical information on the development of sentencing structure and practices within the district; current sentencing issues before the Commission and a repository for significant sentencing reports, manuals and documents. The website will then serve as a comprehensive information resource for sentencing guideline issues for criminal justice professionals within the District and nationwide. This restructuring will provide 24 hour access to sentencing guideline information, decrease the staff time spent providing basic

¹ Data is reported for calendar year



guideline information and enhance the accuracy of the application of the guidelines. The historic and sentencing structure revisions will be completed by December 2010, with the current issues, FAQ and resource materials added to the website by August 2011.

INITIATIVE 1.2: Develop Quarterly Issues Papers.

The purpose of this initiative is to expand the agency's semi-annual Issue Papers that are data driven and highlight specific offense based sentencing trends or policy issue to quarterly Issue Papers by broadening the scope of the content to include specific guideline application issues, such as calculation of criminal history or offense enhancements. This expansion will serve as a means of providing timely information to both criminal justice practitioners and the general public regarding the application, modifications and developments relating to the sentencing guidelines resulting in an increased understanding and appropriate use of the guidelines. Issues papers will be released as follows: December 2010, March 2011, June 2011 and September 2011.

OBJECTIVE 2: Promulgate compliance with the guidelines in at least 85% of all felony cases.

INITIATIVE 2.1: Restructure Process for Obtaining Departure Reasons.

Sentences that fall outside of the recommended guideline sentences range are considered departures. The purpose of this initiative is to improve the process by which the Commission obtains the reasons or circumstances under which a judge imposes a departure sentence. The Commission will establish a bi-weekly sentence review process to identify sentences imposed that are outside the recommended guideline sentence range within six weeks of sentencing. Via email, judges will be notified of the departure sentence and requested to verify the sentence is a departure and provide the reason for the departure on a form provided. Utilizing an internal tracking system that will be developed by the Commission, follow-up emails will be generated within two weeks if no response is received. A letter will be sent to judges who have not responded within a month requesting verification of the departure sentences and the reasons for the departure.

By providing timely departure notifications to judges, response rates are projected to improve by 20%; information collected will be more complete and contribute to the analysis of judicial compliance and the data provided will be used facilitate a comprehensive analysis of departures within the District. Completion date for developing judge notification protocol will be December 30, 2010 and the collection of departure data –August 30, 2011.

OBJECTIVE 3: Analyze the District of Columbia's current criminal code and propose reforms in the criminal code to create a uniform and coherent body of criminal law in the District of Columbia.

INITIATIVE 3.1: Develop a Fine Proportionality System.

This initiative is targeted at addressing a portion of the DC Criminal Code Revision by reviewing the current fines structure and proposing modifications to fine amounts that



make them proportional to the seriousness of the offense committed. Specifically, identify all fines currently authorized by law; then restructure fine amounts by the offense severity levels under the Sentencing Guidelines as to ensure the most serious offenses are carry the highest authorized fines. This will ensure proportionality in fine amounts authorized by law, establish a coherent structure for determining fine amounts and potentially increase fine collections for serious offenses. It is projected that one third of the approximately 240 current fines will be reviewed and restructured by January 15, 2011, with the completion of fines restructured by April 30, 2011.

INITIATIVE 3.2: Apply Part I of the Model Penal Code to the DC Criminal Code.

This initiative will apply Part I of the Model Penal Code (MPC), which contains definitions and broad legal principles to a select number of offenses within DC criminal code to determine the extent of changes that would be necessary for the District to adopt a Model Penal Code format as a means of code revision. The basis of criminal code reform is grounded in definitions of legal principles such as mental state, general defenses, injury to victim, taking of property etc. By testing the adaptability of the MPC to the current DC Criminal Code, this analysis will identify specific areas in which the MPC recommendations may be appropriate and can be adopted. This analysis will also indicate portions of the MPC that are not adaptable to the DC Criminal Code and serve as the basis for structuring a code reform that is more suitable for those remaining sections of the code. The impact analysis of Part I of the MPC will be completed by March 31, 2011.

KEY PERFORMANCE INDICATORS

Measure	FY2009 Actual	FY2010 Target	FY2010 Actual	FY2011 Projection	FY2012 Projection	FY2013 Projection
Percent of Judicial Compliance with the Sentencing Guidelines ²	88%	85%	Not Available	86%	87%	88%
Response Rate for Departure Reasons	15%	20%	Not Available	40%	45%	46%
Percent of guidelines questions answered within 24 hours	0	75%	Not Available	80%	85%	88%
Issues papers released	0	2	Not Available	4	4	4

² Judicial Compliance is considered an Industry Standard measure among Sentencing Commissions and a measure of the extent to which judges follow the sentencing guidelines when imposing a felony sentence. Compliance is defined as a judge imposing a sentence that is within the range recommended by the sentencing guidelines given the defendant's current offense and prior criminal history. The National Association of Sentencing Commissions identifies 80 percent compliance as standard, indicating the imposition of judicial discretion in 20 percent of cases.